



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States,

—v—

Edmund Muntslag,

Defendant.

13-CR-635 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

The Court received the attached letter from Mr. Muntslag to compel the disclosure of certain records related to his pending motion for compassionate release. Dkt. No. 146. The Government shall file a response to Mr. Muntslag's motion by December 3, 2021.

SO ORDERED.

Dated: November 23, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan".

ALISON J. NATHAN
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES of AMERICA,
Plaintiff,

vs.

EDMUND Q. MUNTSLAG,
Defendant.

RECEIVED
NOV 19 2021
ALISON J. NATHAN
U.S. DISTRICT JUDGE
S.D.N.Y.

Crim. No. 1:13-CR-635

JUDGE NATHAN

DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF RECORDS

1.) Defendant Edmund Muntslag requests the Court order the Government to produce all records obtained in the course of its investigation of Muntslag's Motion (ECF No. 146) requesting a reduction in sentence; Muntslag further requests the Government be required to provide tangible copies of all electronic records or data relied upon in preparing its response, including caselaw decided after September 22, 2021.

I. GROUNDS FOR DISCLOSURE

2.) On November 1, 2021, at approximately 9:27 pm, through a third-party Muntslag emailed Government counsel requesting production of all records obtained in connection with its investigation of Muntslag's Motion (ECF No. 146). Muntslag advised Government counsel that a failure to respond within

24 hours would be deemed a denial of Muntslag's request. Over 48 hours have elapsed since Government counsel received Muntslag's communication and counsel has not responded. Exhibit 1 is a substantively true and correct copy of Muntslag's correspondence.

3.) Muntslag is a layman, untrained and inexperienced in legal matters proceeding pro se under necessity.

4.) Muntslag is an imprisoned litigant. The Federal Bureau of Prisons ("BOP") does not permit inmates to access the internet.

5.) The BOP updates information in the law library every three months. Muntslag has no access to caselaw decided after September 22, 2021.

II. AUTHORITY

6.) Muntslag is constitutionally guaranteed effective and meaningful access to the courts. Bounds v. Smith, 430 U.S. 817, 821, 823 (1977) (Marshall, J.); Christopher v. Harbury, 536 U.S. 403, 415 n.12 (2002) (Souter, J.) (court access rights are grounded in the Article IV Privileges and Immunities Clause, the First Amendment Petition Clause and the Fifth Amendment Due Process Clause).

7.) Muntslag has the statutory right to plead, conduct and manage his own cases before this Court personally in the same manner that counsel are permitted to do so. 28 U.S.C. § 1654.

III. CONCLUSION

8.) Muntslag cannot effectively or meaningfully participate in the adversarial process unless he has full and complete access to the records, materials and authorities reviewed, cited or otherwise relied upon by the Government.

Date: November 6, 2021

Respectfully submitted,

Edmund Q. Muntslag
B.O. No. 92420-054
FBI Hazelton
P.O. Box 5000
Bruceton Mills, WV 26525
Defendant, Pro Se

EXHIBIT 1

TRULINCS 92420054 - MUNTSLAG, EDMUND QUINCY - Unit: HAF-N-C

FROM: 92420054
TO: Muntslag, Leroy
SUBJECT: Letter to AUSA
DATE: 11/01/2021 06:40:09 PM

I am forwarding this communication on behalf of and for Edmund Muntslag:

RE: United States v. Bouterse, et al., No. 13-CR-635

Mr. DeFilippis & Lockard:

I write to request a copy of all records obtained from the BOP or any other source concerning myself and the matter pending before Judge Nathan. Please take notice that if you fail to respond to this request within 24 hours I will deem your non-response a denial of my request and pursue a court order compelling production of the requested records.

Please properly label all future correspondence "SPECIAL / LEGAL MAIL - OPEN ONLY IN THE PRESENCE OF THE INMATE. See 28 C.F.R. sec. 540.12(b) and sec. 540.18(a). Furthermore, please be advised that FCI Hazelton mailroom staff routinely tamper with legal mail. For example, the court's mailing of the October 26, 2021, Order was opened outside of my presence and copied in violation of 28 C.F.R. sec. 540.18(a).

Respectfully submitted,

/s/ Edmund Muntslag
FCI Hazelton
P.O. Box 5000
Bruceton Mills, WV 26525

